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C O N F I D E N T I A L SECTION 01 OF 02 KIEV 001177

SIPDIS

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TAGS: [PGOV](#) [PINR](#) [KDEM](#) [RU](#)

SUBJECT: UKRAINE: POST-ELECTION DAY DEVELOPMENTS

Classified By: Political Counselor Aubrey Carlson for reasons 1.4(a,b,d).
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1. (SBU) Summary: Ballot counting for the March 26 national parliamentary vote (ref B) proceeded without significant incident throughout the night and into the morning of 27 March, with official results slowly coming in through the day and approaching the exit polling results by the national consortium of local pollsters. International observer reports gave the election high marks, noting mainly administrative problems caused by concurrent local and parliamentary elections and challenges in administering voter lists. Kiev has remained quiet with no sign of protests, and few complaints from parties about the election. Overall turnout for the election was 67.13 percent, according to the Central Election Commission (CEC). End summary.

Exit Polls

2. (SBU) Final exit polling by the USG-funded national consortium, if accurate, would put the Orange trio of parties comfortably over the 225 required for majority at 255, and make an Orange coalition a viable option and a Regions-Communist alliance untenable. Other exit polls had Speaker Lytvyn's bloc squeaking into the Rada, but only one (that of the Party of Regions) suggested numbers that would preclude a pure Orange majority. The national consortium final numbers (and their translation into numbers of Rada seats) were as follows:

	vote	seats
Regions	31	176
Tymoshenko	23.9	136
Our Ukraine	15.5	88
Socialists	5.4	31
Communists	3.3	19

Ballot counting

3. (SBU) Ballot counting went on throuout the night, without serious incident, but with a variety of minor organizational issues. Embassy observers deployed throughout Ukraine reported some polling stations finished their parliamentary vote counts as early as about 2 am, while others lasted at late as 11 am (with the local election counts still ahead). Embassy observation overnight included a number of minor infractions, and in some cases serious disorganization, but no serious problems. In Simferopol, observers estimated that 1-3 percent of the electorate was not on the voter lists, and one local polling station had several people added to their list by the local court (in apparent contradiction of the law, since Yushchenko did not sign legislation that would have allowed this practice). Kiev observers were also told by precinct officials who appeared to be acting in good faith that individuals with a court order could get their names added to the list -- evidence of some administrative confusion at the local levels. Committee of Voters of Ukraine (CVU) observers also noted this confusion but indicated the practice was not massive and could not be used to cancel election results even at select polling stations.

4. (U) CEC official results came in slowly throughout the day, inching slowly toward exit poll numbers. With 44.94 percent of precincts reporting at 7:10 pm, the official votes tally stood at:

Regions	26.98 percent
Tymoshenko	22.63
Our Ukraine	16.28
Socialists	7.10
Communists	3.54
-----3% threshold-----	
Lytvyn	2.70
Kostenko-Plyushch	2.36
Vitrenko	2.22
PORA-PRP	1.45
Viche	1.43

International Observer Reports

5. (U) OSCE, IRI (International Republic Institute), and ENEMO (European Network of Election Monitoring Organizations) observation missions all gave favorable reports on the election process and commended the calm, peaceful environment on election day. Deputy Head of the OSCE observer mission

Riccardo Cherlleri told us that overall the election was a step forward even from the December 2004 presidential re-vote. ENEMO noted there were no reports of centralized misuse of administrative resource and only isolated cases of pressure from local directors or employers, and IRI's election observation delegation declared the election open and transparent. The OSCE preliminary report on 26 March assessed the election was in compliance with domestic law, OSCE and Council of Europe commitments, and noted that the overwhelming majority of voters were able to exercise their voting rights with virtually no serious incidents.

¶6. (U) Drawbacks that were noted included delays in the formation of polling stations, ill-defined campaign finance legal requirements leading to a lack of transparency and accountability, and some 1,400 polling stations where the number of registered voters exceeded the legal maximum contributing to potential disenfranchisement, and the scope and timing of the voter registration overhaul placing responsibility on local authorities that underestimated the challenges. The report noted that regionally specific allegations of inaccuracies in voter lists were only verified on a limited basis, and that overcrowding or long lines were reported in 9 percent of polling stations visited. OSCE observers were denied full access to the tabulation of results in three DEC's (District Election Commissions) in Luhansk, Poltava, and Sumy, and observers reported some serious concerns regarding vote tabulation in the Kirovohrad DEC. Both OSCE and ENEMO commended the CEC for functioning in a professional, fair, and transparent manner.

Party Complaints

¶7. (C) In stark contrast to its pre-election stance, Regions has been mostly silent on election problems so far, going so far as to say publicly that the election had gone without large-scale falsifications. (Comment: Regions' first-place showing in the election may be enough incentive for the party to withhold criticism. Also, the coalition formation games that are now in full tilt may explain the Regions' decision to play nice. See ref A.)

¶8. (U) Tymoshenko's camp has alleged that many polling stations in Donetsk starting at 12:30 pm March 27 refused to provide her party representatives with voting protocols, making it impossible to conduct the planned parallel vote count, and that subsequent large fluctuations in the number of votes in Donetsk signified that that vote was being manipulated against BYuT and Our Ukraine.

¶9. (SBU) In Ternopil, Embassy observers reported that PORA-PRP and Kostenko-Plyushch blocs claimed to have video footage of 200 people being given ballots without signing the register, and were taking the case to court. Despite much hoopla just before the vote about thousands of law suits in the offing, there have been no concrete signs of action of any sort by Ne Tak. Vitrenko's threat to bring 50,000 supporters to the Maidan has yet to materialize, and Kiev streets remained quiet throughout the day, with the major parties apparently absorbed in coalition talks (ref A). The Maidan website reported mid-afternoon that Vitrenko was planning to stage protests in Kiev and Dnipropetrovsk, blaming Our Ukraine for stealing votes from her bloc, and the site alleged she would pay protestors 10 UAH per hour.

Kiev City Election

¶10. (U) CVU indicated that a party (NFI) had instructed DEC representatives not to sign protocols for the Kiev mayoral election, which CVU representative Poberezhnyy characterized as a warning. He suggested that some parties were interested in invalidating the mayoral election and called on the electoral commissions to ignore instructions from their parties and fulfill their responsibilities. Early returns showed both MP Leonid Chernovetsky and former boxing champion Klychko leading over incumbent Mayor Omelchenko, but we would note that these early returns conflict with pre-election surveys indicating Omelchenko would win handily.

¶11. (U) Visit Embassy Kiev's classified website: www.state.sgov.gov/p/eur/kiev.
Herbst